

AMENDMENTS TO THE DRAWINGS

The Examiner has alleged that the drawings that are currently on file are not of sufficient quality to permit examination. The Examiner has further alleged that Figures 2, 3, 9, 19, 20, 21 and 22 are not labeled to correspond to the reference numbers in the specification. The Examiner requires the submission of replacement drawings in accordance with 37 CFR §1.121(d).

Without conceding to the correctness of the Examiner's assertions, but solely in order to expedite prosecution of the instant application, Applicant submits herewith replacement drawing sheets 1/26 to 26/26, which collectively bear Figs. 1-27. Applicant respectfully submits that the replacement drawings, submitted herewith, are labeled with appropriate reference numbers and are of sufficient quality to permit examination. As such, it is respectfully requested that this objection be withdrawn.

Please replace Figures 1 to 27 on current drawing sheets 1/26 to 26/26 with Figures 1 to 27 on replacement drawing sheets 1/27 to 27/27, submitted herewith. Support for these figures can be found throughout the specification as originally filed.

REMARKS

Claims 1-18 are currently pending in the application. The status of the claims, taking into account this reply, is as follows:

claims 1, 13, and 17 have been amended;
no claims have been canceled;
no claims have been added; and
no claims have been withdrawn.

Support for the amendments can be found throughout the specification as originally filed. Applicant reserves the right to prosecute any withdrawn subject matter at a later date or in one or more timely filed divisional, continuation, or continuation-in-part applications.

Claims 1-3, 5-7, 10, 11, 13-17 have been rejected under 35 U.S.C. §103 as being unpatentable over Foulger (2002/0032738) in view of Aram (2002/0072988).

Having regard to claims 1, 13 and 17, the Examiner alleged that Foulger discloses a tracking system which is configured to collect and evaluate notifications based on customer interaction with an electronic message, and a production system and messaging system configured to create and transmit a subsequent electronic message to the potential customer. The Examiner alleged in particular that Paragraphs [0046], [0032], [0033], [0038] and [0039] of Foulger disclosed creation and transmission of the subsequent electronic message. The Examiner also alleged that Aram discloses “wherein content related to said collected and evaluated notifications can be incorporated into the subsequent electronic message.” The Examiner alleged that Paragraph [0185] of Aram discloses a customer being emailed the details of the potential problem if a certain threshold is met, said email including the details of said potential problems.

Applicant respectfully disagrees with the Examiner. Applicant asserts that Foulger does not disclose creating and transmitting a subsequent electronic message. Rather, Paragraph [0046] discloses an email target database and email campaign generator for generating initial emails. Paragraph [0032] discloses generating custom emails sent to each email target in a

database and receiving and listing responses. Paragraph [0033] discloses an application to permission-based marketing, wherein a resume owner's response includes permission for posting an online resume. Paragraph [0038] discloses generating and sending custom emails, then tracking and organizing responses from the email targets. Paragraph [0039] discloses communication links for interfacing with a network. Applicant asserts that no mention is made, in these paragraphs or elsewhere, of sending a follow-up email to the resume owner based on their response. Rather, Foulger only discloses displaying of a custom web page, having an editable resume, to the resume owner in response to their selecting a custom URL embedded in the initial email. Applicant asserts that a custom web page differs substantially from an electronic message of the present invention, such as an electronic letter, electronic newsletter, electronic postcard, cellular telephone text message, pager message, email, or other such electronic message.

Additionally, Applicant asserts that Aram does not disclose "wherein content related to said collected and evaluated notifications can be incorporated into the subsequent electronic message." Rather, Aram discloses a supply management system which assists suppliers and distributors in planning inventory management. Paragraphs [0123] and [0185] disclose that if stock falls or is predicted to fall below a minimum threshold, the system emails a warning to the supplier and possibly the distributor, preferably with details of the potential problem. Paragraph [0181] discloses that warnings of predicted problems, with details, may be emailed to suppliers, customers and/or distributors. However, a warning emailed to a customer would not be based on information provided by the customer, but rather on information on stock levels provided by a distributor or supplier. Aram does not disclose any instance of the customer interacting with a received electronic message to provide information regarding stock levels or other information.

Furthermore, Applicant asserts that Aram does not even disclose incorporating content, based on supplier interaction with an email message, into a subsequent email message such as a warning message. Rather, Aram discloses that the supplier may log in to a database in order to enter information regarding stock levels, and that an email warning may be generated indicating, with details, potential problems such as low stock level or late manufacture, based at least in part on data previously provided by the supplier. However, such email warnings are only generated by predetermined triggers, such as low stock levels, not on supplier interaction with an electronic

message, such as an electronic letter, electronic newsletter, electronic postcard, cellular telephone text message, pager message, email, or other such electronic message.

However, without conceding to the Examiner's objections, but solely in order to advance prosecution of the instant application, Applicant has amended claims 1, 13 and 17, submitted herewith. Claims 1, 13 and 17 have been amended, replacing the phrase "selected portions of said content for insertion into the at least one electronic message" with the phrase "said plurality of content comprising content of potential interest to the at least one predetermined potential customer and related to one or more predetermined topics," replacing the phrase "having a predetermined theme" with the phrase "related to a predetermined topic." Further, in claim 1, the phrase "can be inserted into the at least one electronic message" has been replaced with the phrase "can be retrieved from the data storage system and inserted into the at least one electronic message, and the phrase "wherein content related to said collected and evaluated notifications can be incorporated into the subsequent electronic message" has been replaced with the phrase "wherein second content for the subsequent electronic message is selected from the data storage system based at least in part on said collected and evaluated notifications and the second content is incorporated into the subsequent electronic message." Further, in claims 13 and 17, the phrase "can be inserted into the at least one electronic message" has been replaced with the phrase "can be retrieved from data storage and inserted into the at least one electronic message, and the phrase "wherein content related to said collected and evaluated notifications can be incorporated into the subsequent electronic message" has been replaced with the phrase "wherein second content for the subsequent electronic message is selected from data storage based at least in part on said collected and evaluated notifications and the second content is incorporated into the subsequent electronic message." Support for these amendments can be found throughout the specification as originally filed, for example in Paragraphs [0050], [0057], [0064], [0096], and [0097].

Applicant respectfully asserts that neither Foulger nor Aram, either alone or in combination, disclose or suggest storing content of potential interest to a potential customer, inserting some of the stored content into a first electronic message, tracking customer interaction with the first electronic message, and inserting some of the stored content into a subsequent

electronic message based on the customer interaction, as described in claims 1, 13, and 17, submitted herewith.

Based on the foregoing, it is respectfully asserted that each of independent claims 1, 13 and 17, submitted herewith, is patentable over Foulger in view of Aram. As each of claims 2 to 3, 5 to 7, 10, 11 and 14 to 16 depend either directly or indirectly from one of claims 1 and 13, Applicant asserts that each of these dependent claims is allowable at least for the reasons noted above with respect to the independent claim from which it depends, and respectfully requests the Examiner withdraw this objection.

Claim 4 has been rejected under 35 U.S.C. §103 as being unpatentable over Foulger (2002/0032738) in view of Aram (2002/0072988) and further in view of Janakiraman et al. (US 2003023598).

Applicant asserts that Janakiraman does not correct the defects identified above with respect to Foulger and Aram. Further, claim 4 depends from claim 1. As such, claim 4 is patentable over Foulger, Aram and Janakiraman, either alone or in combination, for at least the reasons identified above with respect to claim 1. Applicant therefore asserts that claim 4 is allowable at least for the reasons noted above and respectfully requests the Examiner withdraw this objection.

Claims 8, 9, and 12 have been rejected under 35 U.S.C. §103 as being unpatentable over Foulger (2002/0032738) in view of Aram (2002/0072988) and further in view of Official Notice.

The Examiner stated in particular that it is well known in the art to transmit an electronic message to an intermediate host, to sound an alarm upon detection of a problem in an electronic system, and to copy information between multiple databases protected by a firewall. Applicant asserts that none of these features, whether known in the art or otherwise, would correct the defects identified above with respect to claim 1. Applicant therefore asserts that claims 8, 9, and 12, which depend directly or indirectly from claim 1, are patentable over Foulger, Aram and the Official Notice, either alone or in combination, for at least the reasons identified above with respect to claim 1. Applicant therefore asserts that claims 8, 9, and 12 are allowable at least for the reasons noted above and respectfully requests the Examiner withdraw this objection.


No claim related fees are believed to be due with this response. In the event any such fees are due, please debit Deposit Account 50-4902.

In the event that a petition for extension of time under 37 CFR §1.136(a) is required to have this reply considered and such a petition does not accompany this reply or a petition that is deemed defective accompanies this reply, please consider this a petition for an extension of time for the required number of months and authorization to debit Deposit Account 50-4902 for the required fee.

The application now appearing to be in form for allowance, reconsideration and allowance thereof is respectfully requested. If a telephone conversation will further the prosecution and/or expedite allowance, the examiner is invited to contact the undersigned attorney.

Respectfully submitted,

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Date:

September 27, 2010